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Standing Committee on General Government

Access to Consumer Credit
Reports and Elevator
Availability Act, 2018

3rd Session
41st Parliament

Monday 30 April 2018

Comité permanent des affaires gouvernementales

Loi de 2018 sur l'accès au rapport
de solvabilité du consommateur
et la disponibilité des ascenseurs

3^e session
41^e législature

Lundi 30 avril 2018

Chair: Grant Crack
Clerk: Eric Rennie

Président : Grant Crack
Greffier : Eric Rennie



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 30 April 2018

Lundi 30 avril 2018

*The committee met at 1400 in committee room 2.*ACCESS TO CONSUMER CREDIT
REPORTS AND ELEVATOR
AVAILABILITY ACT, 2018LOI DE 2018 SUR L'ACCÈS AU RAPPORT
DE SOLVABILITÉ DU CONSOMMATEUR
ET LA DISPONIBILITÉ DES ASCENSEURS

Consideration of the following bill:

Bill 8, An Act to amend the Consumer Reporting Act and the Technical Standards and Safety Act, 2000 /
Projet de loi 8, Loi modifiant la Loi sur les renseignements concernant le consommateur et la Loi de 2000 sur les normes techniques et la sécurité.

The Chair (Mr. Grant Crack): Good afternoon, everyone. I welcome all committee members, support staff, stakeholders and members of the public. I'll call the Standing Committee on General Government to order.

Today we are here to go through the clause-by-clause consideration of Bill 8, An Act to amend the Consumer Reporting Act and the Technical Standards and Safety Act, 2000. I'd like to remind all members of the committee that we are on an order from the House, dated April 19 of this year, and at 4 p.m. today I will be required to interrupt the proceedings, if necessary, without further debate or amendment and put every question necessary to dispose of all remaining sections of Bill 8 and any amendments thereto. From that point forward, those amendments which have not yet been moved shall be deemed to have been moved and I will take the vote on them consecutively.

We have with us, from legislative counsel, Simone Bittman. She's here to assist with our work. If you have any questions of her, she'll be happy to help.

We have included a number of amendments that were filed with the Clerk. They should be in your packages, numbered in order as they appear in the bill.

Are there any questions or comments before we begin clause-by-clause consideration? There being none, I shall start.

We will begin with section 1, Consumer Reporting Act. Is there any discussion? Mr. Potts.

Mr. Arthur Potts: I just wanted to say how delighted I am to see the sections of this act make it into a government bill. This, of course, formed the bulk of my private

member's bill on the same issue. It represents the fifth private member's bill that I have been able to successfully move through the House in the space of these first four years of my being a member. I'm very pleased with that, and I'm very pleased to be able to move forward on this one. Should it pass, it will be a great piece of legislation.

The Chair (Mr. Grant Crack): Congratulations, and thanks for that.

Any further discussion on section 1? There being none, I shall call for the vote. Shall section 1 carry? Any opposed? I declare section 1 carried.

We shall move to the first proposed amendment: PC motion number 1, which proposes to amend section 2, subsection 1(1) of the Consumer Reporting Act. Mr. McDonell.

Mr. Jim McDonell: I move that the definition of "consumer score" in subsection 1(1) of the Consumer Reporting Act, as set out in section 2 of the bill, be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: We just find that the term "consumer score" is a proprietary number used by the agency to condense a consumer's credit file data into a single data point and it should not be subject to a free disclosure of the consumer's data on file—on the other hand, it should continue to be disclosed without a fee.

The Chair (Mr. Grant Crack): Further discussion? Mr. Potts.

Mr. Arthur Potts: Just keeping it in context, the nature of this bill is about being a consumer-friendly bill. The consumer out there knows what a score is. We're pretty confident that we can get to a definition and we can get to the number. I think this makes it much more accessible as a consumer-friendly bill. So we'll be opposing this one.

The Chair (Mr. Grant Crack): Mr. McDonell.

Mr. Jim McDonell: One thing I'd like to get on record is, in our briefing with the ministry, even they disclosed that they had done no stakeholder consultation on this bill on the credit side. So we're going into this, and their comment was, "Well, we issued the bill, but we'll do the consultation afterwards," which I guess speaks to how rushed this is to go through, and we're into closure now.

Why you would assemble or put any bill together with the idea that after it's passed you'll actually go back to do

the stakeholder consultation—obviously you're not fully aware of what the issues are.

The Chair (Mr. Grant Crack): Mr. Gates.

Mr. Wayne Gates: Yes, I would just like to say that without a firm definition of what a consumer score is, credit-reporting agencies would have more room to skirt the laws, the rules, on reporting. I'm kind of a little surprised that the PCs would be limiting access for consumers to see their scores. I just wanted to get that out.

The Chair (Mr. Grant Crack): Further discussion? Mr. Potts.

Mr. Arthur Potts: Yes, I also want to say that when I did bring this forward as a private member's bill, the members opposite all supported it unanimously. I'm a little surprised to see them backtracking on the central tenet of it, which is giving consumers the information they want to see.

The Chair (Mr. Grant Crack): Mr. McDonell.

Mr. Jim McDonell: Well, I guess that we've done some consultation with the stakeholders. They pointed out a logistics problem. It's not so simple, you can issue a consumer score. These things are proprietary. Unless you know what makes them up, they mean nothing to the general public. It's one of those things that sounds great, and we see a government that's doing everything it can to make it look good. But really, you can't be passing legislation without going back to the industry—and both sides; consumers and advocates, and the corporations on the side that work with this—to find out what the issues really are and what the problems are.

To say, "Don't worry, we're going to do the consultation after we pass the bill," just speaks to the many, many mistakes we've seen this government make over 15 years and why they continue on with it.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote.

Those in favour of PC motion number 1? Any opposed? I declare PC motion number 1 defeated.

We shall deal with the section. It's not amended. Is there any discussion on section 2? There being none, I shall call for the vote. Shall section 2 carry? Any opposed? I declare section 2 carried.

We shall move to section 3. Is there any discussion on section 3? There being none, I shall call for the vote. Shall section 3 carry? Any opposed? I declare section 3 carried.

We have NDP motion number 2, which is proposing a new section 3.1 (section 8.1 of the Consumer Reporting Act). Mr. Gates.

Mr. Wayne Gates: I move that the bill be amended by adding the following section:

"3.1 The act is amended by adding the following section:

"No impact on consumer score due to request to access consumer report

"8.1 A consumer reporting agency shall not reduce a consumer's consumer score solely as a result of a request made by any person to access a consumer report regarding the consumer, except in prescribed circumstances."

The Chair (Mr. Grant Crack): Discussion? Mr. Gates.

Mr. Wayne Gates: I'm fine. It's pretty clear.

The Chair (Mr. Grant Crack): Further discussion? Mr. Potts.

Mr. Arthur Potts: I would think this motion is out of order. It would require making a whole new section. Does the Clerk have an opinion on that?

The Chair (Mr. Grant Crack): Creating new sections, as long as they're consistent with the intent of the bill, is in order.

Mr. Arthur Potts: The Chair has an opinion. Thank you, Chair.

The Chair (Mr. Grant Crack): You're quite welcome.

Further debate?

Mr. Sam Oosterhoff: I guess a concern that we would have is that credit disclosures to a consumer do not affect a consumer's score, and inquiries by credit issuers for the purposes of deciding whether to issue credit, on the other hand, could affect a score. There is a reason for it: Frequent inquiries may indicate a consumer is attempting to take on debt; if a consumer sees an inquiry they don't recognize on their disclosure, it could indicate fraud and should be reported.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the vote on NDP motion number 2. Those in favour? Any opposed? I declare NDP motion number 2 defeated.

We shall move to section 4. Is there any discussion on section 4? There being none, I shall call for the vote. Shall section 4 carry? Any opposed? I declare section 4 carried.

We shall move to section 5. We have PC motion number 3, which is a proposed amendment to section 5 of the bill, subsection 12(1) of the Consumer Reporting Act. Mr. Oosterhoff.

1410

Mr. Sam Oosterhoff: I move that subsection 12(1) of the Consumer Reporting Act, as set out in section 5 of the bill, be struck out and the following substituted:

"Right of consumer to request disclosure

"(1) A consumer may, in writing, request a consumer reporting agency to provide the consumer's consumer report."

The Chair (Mr. Grant Crack): Thank you. Discussion? Mr. McDonell.

Mr. Jim McDonell: The credit score is proprietary and changes depending on the risk factors considered by the individual lender inquiring on the person's credit. It's a mathematical standardized snapshot of the consumer's current credit situation. The existing disclosure requirements already give the consumer the power to see which accounts are in their name, what the payment patterns on them are and who has inquired after their credit. This is more than enough to control one's credit file and to keep any credit score as high as possible.

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Potts.

Mr. Arthur Potts: I think I heard the member read “subsection 12(1).” I wasn’t sure if that was to be corrected.

The Chair (Mr. Grant Crack): “I move that subsection 12(1) of the Consumer”—

Mr. Arthur Potts: Oh, I see. My bracket has 12(2). My apologies.

The Chair (Mr. Grant Crack): Yes, 12(2) would be motion number 5, perhaps.

Mr. Jim McDonell: You just can’t wait to get on.

Mr. Arthur Potts: My apologies. You’re right.

The Chair (Mr. Grant Crack): Excellent. Thank you very much. Further discussion? Mr. Gates.

Mr. Wayne Gates: Thank you, Chair. Once again, this amendment changes the language in section 5, subsection 12, to limit the amount of information a consumer has requested from a credit reporting agency. Again, this looks like an attempt to limit access to consumer score by consumers.

The Chair (Mr. Grant Crack): Further discussion? Mr. Dhillon.

Mr. Vic Dhillon: We’ll be voting against this. The motion would remove the ability for consumers to request their current consumer’s quote from a consumer reporting agency, and the motion would also undermine the intent of the bill, which is to provide consumers with greater access to information that has been generated about them by consumer reporting agencies, as well as providing them with access to a current consumer score.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: Our point really is that you’re producing a number that has no definition. It gets dangerous because that proprietary information wouldn’t be readily available and could give a false impression of what the score actually is.

Our point is that the information that they’re charged with actually collecting—it’s important that the consumer be able to look at the inputs to make sure they’re correct. There are, I think, dozens or even hundreds of these different formulas used for how to treat that information. So, as you can see, unless you knew what the priorities were or what the formula is utilizing, a number, in one case, might look like a bad number, but it might even be a good number. That’s the problem: Unless you know what’s behind the algorithms, the score can be taken out of context and actually hurt the consumer.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call for the vote on PC motion number 3. Those in favour? Those opposed? I declare PC motion number 3 defeated.

We shall move to NDP motion number 4, which is a proposed amendment to section 5, subsection 12(1.1), Consumer Reporting Act. Mr. Gates.

Mr. Wayne Gates: I move that section 12 of the Consumer Reporting Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Electronic requests

“(1.1) A consumer may make a request under subsection (1) electronically.”

The Chair (Mr. Grant Crack): Further discussion. Mr. Gates?

Mr. Wayne Gates: I’m good. It’s pretty self-explanatory.

The Chair (Mr. Grant Crack): Mr. Oosterhoff.

Mr. Sam Oosterhoff: Yes, this is self-explanatory. We intend to support it. The reality is that the world is increasingly digital, and consumer convenience demands that a robust but effective electronic disclosure system be available. We’ll be supporting this motion.

The Chair (Mr. Grant Crack): Thank you. Mr. Potts?

Mr. Arthur Potts: Thank you, Chair. We, too, shall be supporting it. I want to thank the member for making my part of the bill even better.

Mr. Wayne Gates: All I can do is smile at that one.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. McDonell.

Mr. Jim McDonell: I guess it goes back to the point that stakeholder consultation probably would have turned up this and many other improvements in this bill.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion number 4.

Mr. Arthur Potts: Recorded.

The Chair (Mr. Grant Crack): There is a request for a recorded vote. That is in order.

Ayes

Dhillon, Gates, Hoggarth, Kiwala, McDonell, Oosterhoff, Potts, Rinaldi.

The Chair (Mr. Grant Crack): Any opposed? There being none, I declare NDP motion number 4 carried.

We shall move to PC motion number 5, which is a proposed amendment to section 5, subsection 12(2), of the Consumer Reporting Act. Mr. McDonell.

Mr. Jim McDonell: This motion is dependent on motion 3, which did not pass, so we’ll withdraw.

The Chair (Mr. Grant Crack): That is in order. Mr. McDonell has withdrawn PC motion number 5.

We shall move to government motion number 6, which is a motion that proposes to amend section 5, paragraphs 2 to 5 of subsection 12(2), Consumer Reporting Act. Mr. Potts.

Mr. Arthur Potts: Go ahead

Mr. Vic Dhillon: I move that paragraphs 2 to 5 of subsection 12(2) of the Consumer Reporting Act, as set out in section 5 of the bill, be struck out and the following substituted:

“2. The sources of credit information.

“3. The name and contact information, including the address and the telephone number or email, of every person on whose behalf the file has been accessed within the three-year period preceding the request.

"4. If the agency furnished a consumer report pertaining to the consumer within the one-year period preceding the request,

"i. the names and contact information, including the address and the telephone number or email address, of the recipients of that report, and

"ii. a copy of the consumer report if it was furnished in writing or the particulars of the content of the report if it was furnished orally.

"5. If the agency generated and furnished a consumer score, furnished a consumer score generated by another entity or furnished any other information evaluating the credit or personal information of the consumer within the one-year period preceding the request,

"i. the names and contact information, including the address and the telephone number or email address, of the recipients of that score or information, and

"ii. the score and the particulars of any other information evaluating the credit or personal information of the consumer."

The Chair (Mr. Grant Crack): Thank you. Just under 4(i), "telephone number or email" is what I believe you had said. You would prefer to say "email address"—

Mr. Vic Dhillon: "Email address," yes.

The Chair (Mr. Grant Crack): Thank you very much for clarification. That being done, further discussion?

Mr. Jim McDonell: The language the amendment introduces, the obligation to disclose third-party credit scores obtained by the reporting agencies, could lead to charges of breach of intellectual property as the third parties are likely not going to wish to have their algorithms or generated scores revealed—one of the issues with disclosing information that really doesn't tie back to any particular score.

The Chair (Mr. Grant Crack): Further discussion? Mr. Dhillon.

Mr. Vic Dhillon: The primary premise of this act is to ensure transparency. If a consumer reporting agency has received a score that it passes on to a potential creditor of a consumer, the consumer has a right to know what score is being provided.

That being said, the bill contains broad regulation-making authorities that enable the Lieutenant Governor in Council, LGIC, to further define "consumer score." This provides the authority to further clarify the application of this section to potentially address stakeholder concerns.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I think the issue here is that really there are, as I said, dozens of different algorithms that generate different scores, so what score do they release? Every bank, every company that uses credit scores has, for the most part, their own algorithm, which generates a different credit score. I think if the government had done that stakeholder consultation, they might have been aware of this and might have changed this.

Anyway, we're hoping they might see the issue and make these provisions.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 6. Those in favour? Any opposed? I declare government motion number 6 carried.

1420

We shall move to PC motion number 7, proposing an amendment to section 5, paragraph 3 of subsection 12(2) of the Consumer Reporting Act. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that paragraph 3 of subsection 12(2) of the Consumer Reporting Act, as set out in section 5 of the bill, be amended by adding "or another person designated by that person" at the end.

The Chair (Mr. Grant Crack): I'm going to make a ruling on this. This proposed amendment is out of order. It's inconsistent with the previous decision made by committee on this section, which was government motion number 6, which passed. Had government motion number 6 not passed, then this would be in order.

We shall move to PC motion number 8, which is a proposed amendment to section 5, subparagraph 4i of subsection 12(2) of the Consumer Reporting Act. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that subparagraph 4i of subsection 12(2) of the Consumer Reporting Act, as set out in section 5 of the bill, be amended by adding "or another person designated by those recipients" after "report".

The Chair (Mr. Grant Crack): Once again, I will rule this out of order as it's inconsistent with the previous decision made by the committee on this section of the bill, which was the passage of government motion number 6.

We shall move to PC motion number 9, which is a proposed amendment to section 5, paragraphs 5 and 6 of subsection 12(2) of the Consumer Reporting Act. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that paragraphs 5 and 6 of subsection 12(2) of the Consumer Reporting Act, as set out in section 5 of the bill, be struck out.

The Chair (Mr. Grant Crack): Once again, I will rule this one out of order as it is inconsistent with the previous decision made by the committee in reference to government motion number 6, which passed. As a result, this is out of order.

We'll move to government motion number 10, which is a proposed amendment to section 5, paragraph 4 of subsection 12(3), Consumer Reporting Act. Mr. Potts.

Mr. Arthur Potts: I move that paragraph 4 of subsection 12(3) of the Consumer Reporting Act, as set out in section 5 of the bill, be struck out and the following substituted:

"4. The primary factors used by the agency in generating consumer scores under the method used."

The Chair (Mr. Grant Crack): Further discussion? Mr. Potts.

Mr. Arthur Potts: The motion just clarifies a consumer reporting agency's obligations.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I think the primary factors in a person's credit score are easily determined by a simple Google search—you pay your credit and accounts on time and don't apply for too much credit that is above your limits, and budget well. We don't see the need for government legislation to remind us.

The Chair (Mr. Grant Crack): Further discussion? Mr. Gates.

Mr. Wayne Gates: I just want to get this on record. It just looks like it's a clarifying of wording in that language.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion 10. Those in favour? Those opposed? I declare government motion number 10 carried.

We shall move to PC motion number 11, which is an amendment proposed for section 5, subsection 12(3), Consumer Reporting Act. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that subsection 12(3) of the Consumer Reporting Act, as set out in section 5 of the bill, be struck out.

The Chair (Mr. Grant Crack): I'm going to declare this out of order as it was dependent on the failure of government motion 10. Government motion 10 did pass, and as a result, this is out of order.

We shall move to PC motion number 12, which is a proposed amendment to section 5, subsection 12(11), Consumer Reporting Act. Mr. Oosterhoff.

Mr. Sam Oosterhoff: This was a consequential amendment that depended on motion 11, and it was out of order, so we're withdrawing this amendment.

The Chair (Mr. Grant Crack): It is in order to withdraw PC motion number 12.

We shall move to PC motion number 13, which is a proposed amendment to section 5, subsection 12(13), Consumer Reporting Act. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that subsection 12(13) of the Consumer Reporting Act, as set out in section 5 of the bill, be amended by striking out "or a consumer score and consumer report".

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: Again, we believe the consumer scores to be proprietary information and confusing at best.

The Chair (Mr. Grant Crack): Further discussion? Mr. Dhillon.

Mr. Vic Dhillon: Chair, I recommend voting against this motion because the motion relates to other PC motions that remove references to consumer scores.

The Chair (Mr. Grant Crack): Further discussion? Mr. Gates?

Mr. Wayne Gates: This amendment eliminates the wording in subsection 12(13), "or a consumer score and consumer report". This is another attempt to eliminate consumer score sections of the bill by the PCs.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 13. Those in favour? Those opposed? I declare PC motion 13 defeated.

We shall move to PC motion 14, which is a proposed amendment to section 5, subsection 12(14), Consumer Reporting Act. Mr. Oosterhoff.

Mr. Sam Oosterhoff: Again, this motion was dependent on motion 11 passing, which it did not, so we are withdrawing the motion.

The Chair (Mr. Grant Crack): That is in order. PC motion 14 is withdrawn.

We shall move to PC motion 15, which is a proposed amendment to section 5, section 12.0.1, Consumer Reporting Act. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that subsection 12.0.1 of the Consumer Reporting Act, as set out in section 5 of the bill, be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: Each credit issuer decides which factors to consider when extending credit and how to weigh them against others. Moreover, credit scores are a standardized measure of creditworthiness. A made-in-Ontario measure could cut us off from certain consumer options or force issuers to charge us higher interest to compensate for their inability to compare us to their other customers fairly.

Many of the corporations that use these are international, and if they're not allowed to use their own scores, it's hard for them to compare them in the market, where they're really looking at many customers across the country and across the continent.

The Chair (Mr. Grant Crack): Further discussion? Mr. Gates.

Mr. Wayne Gates: This amendment eliminates section 12.0.1 completely, which stipulates that credit agencies must use the same method as before when generating consumer reports or consumer scores. It's another PC attempt to help credit agencies. It could allow credit agencies to provide much less detailed reports and scores now that they are free.

The Chair (Mr. Grant Crack): Mr. McDonell.

Mr. Jim McDonell: I think it's as simple as if you're applying for a mortgage or you're applying for a credit card. We all know there are places where you can pick up a credit card at a hockey game just by signing your name. The credit scores that are generated for—each one of these different purposes generates a different score. Now you're going to have the government tell you which algorithm or what you must consider when you're applying for these different—if you're buying a condominium or a house, I would think it would be much different than if you're applying for a credit card for a local furniture store.

This takes that away. It gives the minister the ability to dictate what they use in their credit scores. I think that in the end it would actually hurt consumers, because they will have to find some other way of generating whether

they can actually afford the house or are being awarded a mortgage or not. I think that's dangerous for the consumer.

The Chair (Mr. Grant Crack): Further discussion? Mr. Dhillon.

Mr. Vic Dhillon: This motion would limit the government's ability to clarify in regulation the type of score that must be provided to consumers. It would also potentially result in allowing agencies to use the fact that a consumer has made a request for a disclosure under these amendments as a means to affect the score that the agency generates in the future for a potential creditor.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I guess we're worried. Our whole economy is based on people being able to go out and readily borrow money. Credit cards—everything is dependent on it. If we get into the business of interfering with what a lender can decide is important when a consumer is borrowing money for a house or whatever, I think, in the end, we're going to hurt that process and make a lot of purchases—now the consumer—it may be tough what they're trying to do, as far as their income goes.

God knows, life is a lot more expensive under this government than it was before. But now they're going to tell the companies what you can look at in lending money. I think that's a negative thing. I think it should be up to the lender to decide what they would like to see and what makes up a credit score. Again, very clearly in talking to stakeholders, if they had bothered to consult them on this, we wouldn't see this problem and wouldn't have to be putting in these amendments. The only good news is that people will be able to decide in just a little over a month just what they think of this resolution.

1430

The Chair (Mr. Grant Crack): Further discussion on PC motion 15? If not, I shall call for the vote. Those in favour? Those opposed? I declare PC motion 15 defeated.

There were three amendments to section 5 that carried. Is there any discussion on section 5, as amended? There being none, I shall call for the vote. Shall section 5, as amended, carry? Any opposed? I declare section 5, as amended, carried.

We shall move to section 6: government motion 16, which is proposing an amendment to section 6 (section 12.4 of the Consumer Reporting Act). Ms. Kiwala.

Ms. Sophie Kiwala: I move that section 12.4 of the Consumer Reporting Act, as set out in section 6 of the bill, be struck out and the following substituted:

“Security freeze

“12.4(1) A prescribed consumer reporting agency shall place a security freeze on the file of a consumer on or before the prescribed deadline if,

“(a) the consumer has, in accordance with this section and any prescribed requirements, required the agency to place a security freeze on the file; and

“(b) the consumer has complied with subsection (9) and any prescribed requirements.

“Effect of security freeze

“(2) During the period that a security freeze on a consumer's file is in effect, the consumer reporting agency shall not disclose any credit or personal information about the consumer maintained by the agency, including any consumer scores, to any person.

“Suspending a security freeze

“(3) The consumer reporting agency shall suspend a security freeze on or before the prescribed deadline if,

“(a) the consumer whose file is subject to the security freeze requires the suspension in accordance with this section and any prescribed requirements; and

“(b) the consumer has complied with subsection (9) and any prescribed requirements, including any requirements respecting the duration of a suspension.

“Same, duration

“(4) If the consumer reporting agency is required to suspend a security freeze under subsection (3), the suspension shall be for the duration specified by the consumer.

“Same, effect

“(5) A security freeze that is suspended is not in effect.

“Terminating a security freeze

“(6) The consumer reporting agency shall terminate a security freeze on or before the prescribed deadline if,

“(a) the consumer whose file is subject to the security freeze requires the termination in accordance with this section and any prescribed requirements; and

“(b) the consumer has complied with subsection (9) and any prescribed requirements.

“Expiry

“(7) Unless terminated earlier, a security freeze expires at the end of the prescribed period, if any.

“Disclosure despite a security freeze

“(8) Despite subsection (2), the consumer reporting agency may, in accordance with any prescribed requirements, disclose to prescribed persons and entities such information as may be maintained by the agency about a consumer, if the information is prescribed.

“Identification

“(9) A consumer who requires a consumer reporting agency to place, suspend or terminate a security freeze shall provide the agency with a copy of any prescribed identification and a copy of any other identification the agency may reasonably require to verify the consumer's identity.

“Fees

“(10) A consumer reporting agency shall not charge the consumer a fee for placing, suspending or terminating a security freeze unless the agency is permitted to do so by regulations.

“Information

(11) When a consumer requires that a security freeze be placed on his or her file, the consumer reporting agency shall provide the consumer with the information referred to in section 12.5 and the name and telephone

number or email address of a person the consumer can contact for an explanation of the information.

The Chair (Mr. Grant Crack): Well done. Thank you very much. Further discussion? Mr. McDonell.

Mr. Jim McDonell: Companies currently extending credit to the consumer routinely inquire after the consumer's credit file, a so-called "soft inquiry." Freezes do not touch those accounts, unless they were fraudulently opened; for instance, through identity theft. We think the government missed the mark on security freezes overall in Bill 8; however, this amendment seems to take some of the stakeholders' issues into account, and we'll support it.

The Chair (Mr. Grant Crack): Further discussion? Mr. Potts.

Mr. Arthur Potts: Yes, placing in the freeze was a complicated issue. This shows how much consultation was done, subsequent to the initial draft, to bring in a better regime for freezing. The issue that the member raises will be dealt with in regulations. I'm quite confident that he'll be very satisfied, as will the agencies, in how that is dealt with in regulations.

The Chair (Mr. Grant Crack): Further discussion? Mr. Gates.

Mr. Wayne Gates: I just want to make sure it gets on record that it expands on the credit freeze portion, which is a good thing.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: Could we have a recorded vote, please?

The Chair (Mr. Grant Crack): That is in order. Further discussion? There being none, I shall call for the vote, and it is recorded.

Ayes

Dhillon, Gates, Hoggarth, Kiwala, McDonell, Oosterhoff, Potts, Rinaldi.

The Chair (Mr. Grant Crack): I declare government motion 16 carried.

Therefore, section 6 is amended with that one motion that just passed. Any discussion on section 6, as amended? There being none, I shall call for the vote. Shall section 6, as amended, carry? Any opposed? I declare section 6, as amended, carried.

We shall move to section 7. There are no amendments. Any discussion? There being none, I shall call for the vote. Shall section 7 carry? Any opposed? I declare section 7 carried.

We shall move to section 8. We have government motion 17, proposing an amendment to subsection 8(1) (subsection 14(1) of the Consumer Reporting Act). Mr. Dhillon.

Mr. Vic Dhillon: I move that subsection 14(1) of the Consumer Reporting Act, as set out in subsection 8(1) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

"(1) In connection with a complaint made to the registrar in respect of a consumer reporting agency or in connection with an inspection or investigation of a consumer reporting agency undertaken under this act, the registrar may order a consumer reporting agency to,"

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: Yes, we oppose the expansion of the registrar's discretion. The first step is to demand that the reporting agency provide evidence of the origin of a consumer's information on file. Then both parties can argue whether the information is correct or not based on an objective and tangible set of evidence. If this amendment passes, the registrar will be able to order the deletion of a consumer's information on file regardless of whether it is true or not.

I think, again, any time you cloud the issue around somebody's credit file, you're going to make it harder for them to get credit. We think when you're in there and you're allowing credit files to be changed with no justification, it's a problem.

The Chair (Mr. Grant Crack): Further discussion? Mr. Dhillon.

Mr. Vic Dhillon: Chair, this change would address a recommendation made by the Office of the Information and Privacy Commissioner. It would limit the registrar's ability to collect private information about individuals' situations in connection with a complaint, inspection or investigation.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion 17.

Mr. Wayne Gates: Recorded, please.

Ayes

Dhillon, Gates, Hoggarth, Kiwala, Potts, Rinaldi.

The Chair (Mr. Grant Crack): I declare government motion number 17 carried.

We shall move to government motion number 18, which is a proposal to amend subsection 8(1) (clause 14(1.1)(b) of the Consumer Reporting Act). Mr. Potts.

Mr. Arthur Potts: I move that clause 14(1.1)(b) of the Consumer Reporting Act, as set out in subsection 8(1) of the bill, be struck out and the following substituted:

"(b) in the registrar's opinion the information maintained by a consumer reporting agency is inaccurate, incomplete or does not comply with the provisions of this act or the regulations."

The Chair (Mr. Grant Crack): Okay, thank you. The motion that I have before me, the Clerk also, and I also believe the legislative counsel—under (b) "in the registrar's opinion the information maintained," you had indicated, "maintained"—

Mr. Arthur Potts: Yes, I'll read from the official one here. It looks like it's wrong in the copy I have.

The Chair (Mr. Grant Crack): Okay.

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Mr. Arthur Potts: “(b) in the registrar’s opinion the information maintained by the agency is inaccurate, incomplete or does not comply with the provisions of this act or the regulations.”

The Chair (Mr. Grant Crack): Thank you. That’s the accurate one?

Mr. Arthur Potts: That’s the one I wanted to read.

The Chair (Mr. Grant Crack): Excellent. Discussion? Mr. McDonell.

Mr. Jim McDonell: I was reading 17. I thought 17 was 18 before.

But for this one here, we oppose this expansion of the registrar’s discretion. The first step is to demand that the reporting agency provide evidence of the origin of the consumer’s information file. Then both parties can argue whether the information is correct or not, based on an objective and tangible set of evidence.

If this amendment passes, the registrar will be able to order the deletion of consumers’ information on the file regardless of whether it’s true or not.

The Chair (Mr. Grant Crack): Further discussion? Mr. Gates.

Mr. Wayne Gates: All I want to do is get on the record that it seems to remove any loophole about their compliance. I think that’s where it goes.

The Chair (Mr. Grant Crack): Okay, thank you. Discussion?

Mr. Lou Rinaldi: Recorded vote, please.

The Chair (Mr. Grant Crack): Mr. Potts.

Mr. Arthur Potts: I would also point out that this allows the registrar the discretion to remove any rot that they find inside the credit reporting score. We know that some other parties are removing rot that they found inside; I want the registrar to have the same power.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: This does not stop the registrar from doing some investigation and then deciding to remove the information. We just think that all sources should be looked at. You can’t make a decision without talking to both sides. I know this government put this bill forth without talking to both sides, but I think it’s key that if we want to, in the end, put forth legislation that actually helps the consumer, we have to make sure we’ve covered all aspects.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote. There has been a request for a recorded vote. That is in order and will be entertained.

Ayes

Dhillon, Gates, Hoggarth, Kiwala, Potts, Rinaldi.

Nays

McDonell, Oosterhoff.

The Chair (Mr. Grant Crack): I declare government motion number 18 carried.

We have two amendments to section 8. Is there any discussion on section 8, as amended? There being none, I shall call for the vote. Shall section 8, as amended, carry? Any opposed? I declare section 8, as amended, carried.

Ms. Hoggarth.

Ms. Ann Hoggarth: Chair, would it be all right if we bundled when there are sections that have no discussion?

The Chair (Mr. Grant Crack): Members of the committee, there is a request that has been made to bundle. We have sections 9 and 10 to bundle, if possible; 14 through 19; and 21 and 22. I’d prefer that maybe as we go through the titles and that towards the end, we don’t bundle, just for clarity.

Is there any opposition to bundling? There being none, that shall be entertained.

We have section 9 and section 10 together. Is there any discussion on section 9 and/or section 10? There being none, I shall call for the vote. Shall section 9 and section 10 carry? Any opposed? I declare section 9 carried and I declare section 10 carried.

We shall move to section 11. We have PC motion number 19, which is an amendment proposed to subsection 11(1) (clause 25(0.a) of the Consumer Reporting Act). Mr. McDonell.

Mr. Jim McDonell: We’ll be withdrawing this. It was contingent on a previous motion which did not pass.

The Chair (Mr. Grant Crack): Okay, thank you. It is in order to withdraw PC motion number 19.

We shall move to PC motion number 20, which is a proposed amendment to subsection 11(2) (clause 25 (h.2) of the Consumer Reporting Act). Mr. Oosterhoff.

Mr. Sam Oosterhoff: Once again, this is a consequential amendment and, as motion 14 did not pass, we are withdrawing.

The Chair (Mr. Grant Crack): Thank you. PC motion number 20 is withdrawn. That is in order.

We shall move to PC motion number 21, which is a proposed amendment to subsection 11(2) (clauses 25(h.3) and (h.4) of the Consumer Reporting Act). Mr. Oosterhoff.

Mr. Sam Oosterhoff: It’s a consequential amendment. It is withdrawn.

The Chair (Mr. Grant Crack): Mr. Oosterhoff has withdrawn PC motion number 21. That is in order.

We shall move to government motion number 22, which is a proposed amendment to subsection 11(3) (clause 25(m) of the Consumer Reporting Act). Mr. Potts.

Mr. Arthur Potts: I move that clause 25(m) of the Consumer Reporting Act, as set out in subsection 11(3) of the bill, be struck out and the following substituted:

“(m) permitting and governing fees for the purposes of subsection 12.4(10) that a consumer reporting agency may charge for placing, suspending or terminating a security freeze;”

The Chair (Mr. Grant Crack): Discussion? There being none, I shall call for the vote on government

motion number 22. Shall government motion number 22 carry? Any opposed? I declare government motion 22 carried.

We shall deal with section 11 now, as amended, with that one amendment that carried. Is there any discussion on section 11, as amended? There being none, I shall call for the vote. Shall section 11, as amended, carry? I declare section 11, as amended, carried.

We shall move to section 12, the Technical Standards and Safety Act, 2000. Any discussion on section 12? There being none, I shall call for the vote. Shall section 12 carry? Any opposed? I declare section 12 carried.

We shall move to NDP motion number 23, which is an amendment to section 13 (definition of “availability” in section 3 of the Technical Standards and Safety Act, 2000). Mr. Gates.

Mr. Wayne Gates: I move that section 3 of the Technical Standards and Safety Act, 2000, as set out in section 13 of the bill, be amended by adding the following definition:

“‘availability’, in respect of elevating devices, means the ability of a building’s elevating devices to transport persons as and when required, determined, in accordance with the standards set out in the regulations, by the capacity of the device to transport a given number of users and the percentage of time at least one device is operational and available to be used; (‘disponibilité’)”

I think that’s how you say that. It’s a French word, so I didn’t want to—

The Chair (Mr. Grant Crack): Okay. For clarification: “by the capacity of the devices”—plural. I think you just said “device.”

Mr. Wayne Gates: Yes.

The Chair (Mr. Grant Crack): Okay, and “available for use; (‘disponibilité’)”—very good.

Further discussion? Mr. Gates?

Mr. Wayne Gates: No.

The Chair (Mr. Grant Crack): Okay. Mr. McDonell.

Mr. Jim McDonell: I’m going to say, just on the record, that the elevator industry is complex and we think it would be better for the government to go back to the drawing board with Justice Cunningham and the industry stakeholders in order to hammer out a strategy. The amendment just goes into specifics without addressing the problem that almost none of Justice Cunningham’s recommendations are being implemented in this bill. Once again, we ordered a very expensive review of the industry and then it is ignored. We think that’s a problem.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion number 23.

Mr. Wayne Gates: Recorded vote, please.

The Chair (Mr. Grant Crack): There is a request that it be recorded. That is in order and will be entertained.

Ayes

Gates.

Nays

Hoggarth, Kiwala, Potts, Rinaldi.

The Chair (Mr. Grant Crack): I declare NDP motion 23 defeated.

There are, therefore, no amendments to section 13 that carried. Is there any discussion on section 13? There being none, I shall call for the vote. Shall section 13 carry? I declare section 13 carried.

And the request to bundle was made by the honourable member Ms. Hoggarth to sections 14 to 19.

Ms. Ann Hoggarth: He just gave me a raise.

Mr. Arthur Potts: Small “h” honourable.

The Chair (Mr. Grant Crack): You’re still honourable.

Any discussion on sections 14 through 19? Any discussion? If not, I’m going to call for the vote. Shall sections 14 through 19 carry? Any opposed? I then declare section 14 carried. I declare section 15 carried. I declare section 16 carried. I declare section 17 carried. I declare section 18 carried. And I declare section 19 carried.

We shall move to section 20. We have PC motion number 24, which is proposing an amendment to section 20, subsection 32.1(5) of the Technical Standards and Safety Act, 2000. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that subsection 32.1(5) of the Technical Standards and Safety Act, 2000, as set out in section 20 of the bill, be amended by striking out “in the form that the corporation determines” at the end and substituting “in writing”.

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The Chair (Mr. Grant Crack): That was quick. Very nicely done.

Discussion? Mr. McDonell.

Mr. Jim McDonell: This bill creates a very heavy liability burden on licensees, and grants assessors enormous discretion to levy fines. The very least we can expect from them is notice in writing so they know they are being fined.

The Chair (Mr. Grant Crack): Further discussion? Mr. Potts.

Mr. Arthur Potts: Although I appreciate the intention here, already in the bill it’s implied that they will be in writing. If you go to section 32.1(6), it stipulates that an order is to be served on the person. You have to serve it. It would be served in writing. That’s the expectation.

The Chair (Mr. Grant Crack): Further discussion? Mr. Gates.

Mr. Wayne Gates: This may mean well, but this could also slow the process. For example, if an elevator has already been out for a week, does this mean they will have to wait for a letter? Flexibility here should be allowed to make sure this happens quickly.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I guess I'll give an example of the Technical Standards and Safety Act. Something we saw locally: a water park where an inspection had been done and more than six months later they returned with something like 10 fines of \$1 million each. I guess I'm wondering, if something is that dangerous and that much of a safety risk, how would you not shut it down that day?

Background information: After going to court, they were all defeated.

It just goes to show that if you have something, a person should know right away that there's a problem, and in writing.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion 24. Those in favour? Those opposed? I declare PC motion 24 defeated.

We shall move to PC motion number 25, which is an amendment proposed to section 20, subsections 32.1(7) and (8), Technical Standards and Safety Act, 2000. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that subsection 32.2(1) of the Technical Standards and Safety Act, 2000, as set out in section 20 of the bill, be struck out and the following substituted:

"Appeal

"(1) In this section,

"‘appeal body’ means the Licence Appeal Tribunal."

The Chair (Mr. Grant Crack): Are you reading motion number 25?

Mr. Sam Oosterhoff: Oh, sorry, 26. My bad; sorry.

The Chair (Mr. Grant Crack): We'll just table that for now and we'll move backwards to PC motion 25. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that subsections 32.1(7) and (8) of the Technical Standards and Safety Act, 2000, as set out in section 20 of the bill, be struck out.

The Chair (Mr. Grant Crack): Wonderful. Further discussion? Mr. McDonell.

Mr. Jim McDonell: No law passed before 2003 contained this kind of language. It is an invention of the government. Absolute liability removes all of the licensee's ability to defend themselves against an assessor's accusation, however false or superfluous it may be. It's time to end this trend. Absolute liability of this kind, as envisioned in the bill, has no place in Ontario.

I go back to the case around home where something on the order of \$12 million or \$15 million in fines were completely wiped out. With this type of legislation, there would be no recourse.

The Chair (Mr. Grant Crack): Further discussion? Mr. Potts.

Mr. Arthur Potts: I know we heard from some stakeholders who were concerned that administrative penalties like this aren't going to make a big difference in how they deal with repairs in elevators, that there are so many factors in consideration. But I think it's important

that we leave them in for now and deal with it during regulations as to the volumes and how they're applied.

The Chair (Mr. Grant Crack): Mr. McDonell.

Mr. Jim McDonell: I guess we're worried when the government has this kind of power. It shouldn't have it in the first place, so to say we'll trust them on regulations—I think it's dangerous. Everybody should be able to have their day in court.

The Chair (Mr. Grant Crack): Further discussion? Mr. Gates.

Mr. Wayne Gates: I just want to get it out—this motion removes some of the ability to hold people responsible. Yes, it may be good for the companies, but it would certainly be bad for people.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 25. Those in favour? Any opposed? I declare PC motion number 25 defeated.

We shall move to PC motion number 26, which is a proposed amendment to section 20, subsection 32.2(1), Technical Standards and Safety Act, 2000. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I already moved it, did I not?

The Chair (Mr. Grant Crack): Well, for clarification, how about we do it again?

Mr. Sam Oosterhoff: I move that subsection 32.2(1) of the Technical Standards and Safety Act, 2000, as set out in section 20 of the bill, be struck out and the following substituted:

"Appeal

"(1) In this section,

"‘appeal body’ means the Licence Appeal Tribunal."

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: The bill as written allows the minister to potentially prescribe the TSSA as the appeal body to hear its own monetary penalty assessments. It would then become the policeman, judge, jury and executioner. We believe that a penalty levied under such an unfair burden of proof should not be appealed to the same body that levied it, but to an accountable tribunal or court.

The Chair (Mr. Grant Crack): Further discussion? Mr. Potts.

Mr. Arthur Potts: It may well very much end up here, but I think it's important that we collect the data—what the opportunities will be. There may be a more efficient way. There might be another agency that can provide that third-party oversight. It may get there, but for now, we'll leave the definition out. So we'll vote against this.

The Chair (Mr. Grant Crack): Mr. McDonell.

Mr. Jim McDonell: I'm just concerned that they're talking about how they "may get there," based on, I guess—again, if you had done some of the stakeholder—I hear every day about the problems with TSSA and how they're very hard to deal with. Really, the red tape generated is a disincentive for anybody to build in Ontario. We know that they're a bad player. They're

unaccountable. To give them no right of appeal just doesn't seem right.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 26. Those in favour? Those opposed? I declare PC motion number 26 defeated.

We shall move to PC motion number 27, which is an amendment proposed to section 20, subsection 32.2(6), Technical Standards and Safety Act, 2000. Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that subsection 32.2(6) of the Technical Standards and Safety Act, 2000, as set out in section 20 of the bill, be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. Oosterhoff.

Mr. Sam Oosterhoff: Actually, because this is a consequential amendment, we're going to withdraw it.

Mr. Jim McDonell: It's based on the one before.

Mr. Sam Oosterhoff: Yes, because it was based on the one before.

The Chair (Mr. Grant Crack): That is in order. PC motion 27 is withdrawn.

We shall move to PC motion number 28, which is a proposed amendment to section 20, (section 32.4 of the Technical Standards and Safety Act, 2000.) Mr. Oosterhoff.

Mr. Sam Oosterhoff: I move that section 32.4 of the Technical Standards and Safety Act, 2000, as set out in section 20 of the bill, be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: If the TSSA wants a court order, it should apply for one. The courts operate much more fairly than the TSSA and are much more likely to grant a licensee the presumption of innocence and the fair hearing they deserve. This part of the judicial process should not be bypassed.

The Chair (Mr. Grant Crack): Further discussion? Mr. Gates.

Mr. Wayne Gates: This motion appears to strike out the ability to make penalties for non-compliance non-enforceable, as if they were a court order—and only this would apply to the Superior Court. This seems to be a way to remove some of the teeth of the bill. I really don't understand why it's here.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: We're talking about defending yourself against the government. So we're not talking about an individual who may have to foot a bill here; we're talking about the ability to protect yourself against frivolous accusations.

Just because an inspector from the TSSA thinks you're doing something wrong—I think everybody should have the ability for their day in court. I gave that example—just locally, around home, where you're basically looking at fines to put this fairly large amusement park out of business. When the court reviewed it, they threw all the charges out, I believe. If somebody presents you with, in

that case, a number of million-dollar fines, I think you should have the ability to have your day in court.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 28. Those in favour? Those opposed? I declare PC motion 28 defeated.

There are no amendments to section 20. Is there any discussion? There being none, I shall call for the vote. Shall section 20 carry? Any opposed? I declare section 20 carried.

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We have section 21 and section 22. There are no amendments proposed. Any discussion? There being none, I shall call for the vote. Shall sections 21 and 22 carry? I declare section 21 carried and section 22 carried.

We shall move to NDP motion number 29, proposing a new section, section 22.1 (section 34.1 of the Technical Standards and Safety Act, 2000). Mr. Gates.

Mr. Wayne Gates: I move that the bill be amended by adding the following section:

"22.1 The act is amended by adding the following section:

"Repair of elevating devices if no regulations"

34-1 "Any owner of a building containing an elevating device that becomes unavailable for use because it needs repair shall ensure that the device is repaired,

"(a) in accordance with the time requirements for the repair of elevating devices established under clause 34(1)(n.1); or

"(b) if those regulations have not been made,

"(i) 14 days after the day the owner first learns of the problem, or

"(ii) seven days after the day the owner first learns of the problem, if the elevating device is in a long-term-care home as defined in subsection 2(1) of the Long-Term Care Homes Act, 2007 or is in a retirement home as defined in subsection 2(1) of the Retirement Homes Act, 2010."

The Chair (Mr. Grant Crack): Thank you very much. Just under "Repair of elevating devices if no regulations," you said "34-1," but you mean "34.1," right?

Mr. Wayne Gates: Yes.

The Chair (Mr. Grant Crack): Thank you—just for clarification.

Further discussion? Mr. Dhillon.

Mr. Vic Dhillon: Thank you, Chair. I thought you were going to forget me there.

We will be voting against this motion because the standard for the repair of elevating devices and the time requirements for the repair would be created without the collection and analysis of the relevant elevator outage data. Collection and analysis of elevator outage data is necessary in order to better understand the state of elevator availability in Ontario, to develop a standard based on evidence. This motion puts repair timeline requirements solely on the building owner without considering other parties that are involved in the repair process, such as contractors.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: We have to disagree with this. We heard different stakeholders coming forth who talked about how the age of many of these elevators would not allow you to—parts are not available; they have to be made up. Motors have to be rewound. That takes weeks sometimes. It's unfortunate that that is the case, but you can't defeat the laws of physics, I guess, and you can't have an elevator issue come up that really puts others behind. You're really taking something that can't be done here.

There are times when this bill would allow them to go too long, and certainly, many times there is not enough time to get something fixed. You're putting in fines against people who really cannot have any influence on what's happening here.

So again, while some of those issues were clearly laid out in Justice Cunningham's report that talked about the reasons that some things that really could improve the industry—of course, this government refused to acknowledge them and issued legislation without considering that good report.

The Chair (Mr. Grant Crack): Further discussion? Mr. Dhillon.

Mr. Vic Dhillon: I just wanted to acknowledge that MPP Han Dong is responsible for most of this legislation coming to fruition. It's predominantly because of him that we're here today, finalizing this law. I just want to take this time to thank MPP Dong for his initiative and give him credit for much of what this bill aims to achieve.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion number 29. Those in favour? Those opposed? I declare NDP motion number 29 defeated. Sorry.

We shall move to sections 23 and 24. I will bundle those. Any discussion on those? There are no amendments. There being none, I shall call for the vote. Shall section 23 and section 24 carry? Any opposed? I declare section 23 carried and I declare section 24 carried.

We have section 25, which is the commencement. Any discussion on section 25? There being none, I shall call for the vote. Shall section 25 carry? Any opposed? I declare section 25 carried.

We shall move to section 26, which is the short title. Any discussion on the short title, section 26? There being none, I shall call for the vote. Shall section 26 carry? Any opposed? I declare section 26 carried.

We shall move to the title of the bill. Any discussion? There being none, I shall call for the vote. Shall the title of the bill carry? Any opposed? I declare the title of the bill carried.

Bill 8, as amended: Is there any final discussion on Bill 8, as amended?

Mr. Arthur Potts: Recorded.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. That is in order.

Mr. McDonell.

Mr. Jim McDonell: I think that we just want to summarize a couple of issues that we have with the bill. One is the absolute liability that we talked about. It's not fair to create that kind of liability without due process. We think this province and country were built on due process. I think it's very important that everybody has their day in court.

On the elevator side: I don't want to take away that the member opposite had put forth this private member's bill. But when you move to a government bill, you expect a little bit more. As we heard in the deputations, the Cunningham report came through and a day later the bill was issued, which clearly shows that even though they commissioned an expensive and well-intended commission to review the issues with elevators, they clearly didn't have that information before they put the bill together.

We heard from the credit agencies, "No." From the ministry itself, through our briefing, they were very clear that they didn't do any stakeholder consultation. I'm sure they will be in trouble for this, for being transparent, because it's not like this government. How can you issue a government bill without consulting with the industry? Everything is wrong about that. If there's a need for legislation, which there is in this case, let's get both sides and let's find out what the problems are.

We see that there are parts of this bill being issued that will really, in effect, remove many of our consumers' ability to get credit, just because of the wording here, making it different than other locations and trying to disclose a score when maybe you're talking about dozens of different scores that are there. Which one do they do? You just can't start dictating to our market how they have to run their business. I guess that that's what we're seeing with this bill.

The Chair (Mr. Grant Crack): Any further discussion on Bill 8, as amended? There being none, I shall call for the vote. I believe that there was a request for a recorded vote. That will be entertained.

Ayes

Dhillon, Hoggarth, Kiwala, Potts, Rinaldi.

The Chair (Mr. Grant Crack): I declare Bill 8, as amended, carried.

Very importantly, shall I report the bill, as amended, to the House? Those in favour? Any opposed? I declare that I shall report the bill, as amended, to the House. Carried.

I want to thank everyone. There being no further business—Mr. Potts.

Mr. Arthur Potts: Yes, if I may, Chair?

The Chair (Mr. Grant Crack): Yes, you may.

Mr. Arthur Potts: As Vice-Chair of this committee, I wanted to take this opportunity to extend our appreciation as a committee for the excellent work that you've done chairing this committee. I know that this will be

your last meeting as Chair and the last time that you get a chance to slam that gavel down as you head off into—

The Chair (Mr. Grant Crack): Okay, that's enough; keep going.

Mr. Sam Oosterhoff: The sunset.

Mr. Arthur Potts: —as you set off into the sunset.

I just want you to know that we have all very much respected your abilities in the House. You've been a great representative for Glengarry–Prescott–Russell. You will be seriously missed in the House. Good luck with all of your endeavours going forward.

The Chair (Mr. Grant Crack): Thank you very much. It's much appreciated.

Applause.

The Chair (Mr. Grant Crack): Thanks, guys. Any more?

Laughter.

The Chair (Mr. Grant Crack): There being no further business, I want to thank all of the support staff for their work too and the help over the years.

Good work, to all members of the committee on this bill. It's much appreciated.

Thanks to the stakeholders and the public for being here.

This meeting is adjourned.

The committee adjourned at 1510.

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Président

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Vice-Chair / Vice-Président

Mr. Arthur Potts (Beaches–East York L)

Mr. Yvan Baker (Etobicoke Centre / Etobicoke-Centre L)
Mr. Grant Crack (Glengarry–Prescott–Russell L)
Mrs. Lisa Gretzky (Windsor West / Windsor-Ouest ND)
Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)
Mr. Sam Oosterhoff (Niagara West–Glanbrook / Niagara-Ouest–Glanbrook PC)
Mr. Arthur Potts (Beaches–East York L)
Mr. Lou Rinaldi (Northumberland–Quinte West L)
Ms. Lisa M. Thompson (Huron–Bruce PC)
Ms. Soo Wong (Scarborough–Agincourt L)

Substitutions / Membres remplaçants

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)
Mr. Wayne Gates (Niagara Falls ND)
Ms. Ann Hoggarth (Barrie L)
Mr. Jim McDonell (Stormont–Dundas–South Glengarry PC)

Clerk / Greffier

Mr. Eric Rennie

Staff / Personnel

Ms. Simone Bittman, legislative counsel

